

ONTARIO ALLIANCE REPORT, 1893.

To the Union Prohibition Convention :

The Executive Committee of the Ontario Branch of the Dominion Alliance respectfully submits the report of its work during the past year, and the progress made by the prohibition cause in this Province. In doing this it has been thought well to also submit a brief summary of the history and objects of the organization.

In the year 1875 there was held a Dominion Convention of prohibitionists in the City of Montreal, at which there was formed an organization known as the Dominion Prohibitory Council, the object being to advise and co-operate in effort to secure a national prohibitory law. The name of this body was changed the following year to "The Dominion Alliance." Previous to this time Prohibitory Leagues had been in operation in different provinces. In September, 1877, a meeting of the Ontario Prohibitory League, held in the City of Toronto, united with the Quebec organization and the Dominion Alliance, forming a body which was to be represented by a Council in each province. It being found impracticable to carry on the prohibitory work of the Dominion by one organization, the Alliance again resolved itself into provincial branches, having a general Council as a bond of union, and a means of consulting and working for Dominion legislation. The Ontario Branch of the Dominion Alliance thus came into existence with its present name, in the year 1878.

THE DOMINION COUNCIL.

The first heavy duty that fell upon the Dominion Alliance as a whole was the work, in connection with a Committee of

Parliament, of perfecting the details of the Scott Act, which was enacted in 1878. Subsequently the Council of the Dominion Alliance took an active part in securing the defence of this law through the different Courts of Canada, and before the Judicial Committee of the Privy Council of Great Britain. This Act was adopted by popular vote in many parts of the Dominion. It was subsequently repealed in all the places in which it had been carried in Ontario, but is still loyally sustained and is doing effective work, in twenty-five counties and two cities in other provinces.

During the past year attempts were made to repeal the Scott Act in the Counties of Northumberland, N.B., and Brome, Que. In both cases the law was sustained by gratifying majorities.

Following up the temporary advantage secured by this recognition of the rightfulness of prohibition, the Council of the Alliance has been earnestly pressing upon the Dominion Parliament the necessity for a more general and rigid law. Through friendly members of the House of Commons it has persistently pressed upon that body a resolution in favor of total prohibition. This resolution as last introduced was in the following form :—

“That in the opinion of this House, the time has arrived when it is expedient to prohibit the manufacture, importation and sale of intoxicating liquors for beverage purposes.”

Recognizing that its objects can only be attained by the election to Parliament of men known to be in sympathy with the policy thus declared, the Alliance further calls upon all prohibitionists to support for elective positions, only those who are known and reliable prohibitionists, and who will agree to act in regard to this question independently of their respective political parties, if those parties will not favor total prohibition, and also by urging the election of independent prohibitionists to the House of Commons.

The House of Commons has already declared in favor of the principle of total prohibition, but has not yet adopted the resolution above set out, which resolution would commit the House to immediate legislation. When last offered, this resolution was superseded by an amendment calling for the appoint-

ment of a Royal Commission of inquiry into the whole question of the liquor traffic and the working of prohibitory laws. This amendment was adopted by the House of Commons in June, 1891. The Alliance, while regretting that the full consideration of the question was deferred by this action, felt in duty bound to do all possible to secure a full presentation before this Royal Commission of the case in favor of prohibition. Accordingly a representative of the Alliance has accompanied this Commission in its travels and investigations, and made every effort to secure the consideration by that body, of the overwhelming evidence that exists of the rightness and effectiveness of prohibitory law. The expense of this work has been very generally shared in by very many temperance organizations and Christian churches in different parts of the Dominion. It has been promised by Ministers of the Crown that the report of the Commission will be laid before Parliament at its next session.

PROVINCIAL PROGRESS.

The Ontario Branch of the Dominion Alliance was formed for the purpose of promoting the prohibition movement. It seeks to do this by uniting all temperance and Christian workers in effort to secure the enactment and enforcement of laws against the liquor evil, and in electing to representative positions men who can be relied upon to co-operate in this work. Its articles of incorporation declare that :—

The purposes of the Society are as follows :—“To call forth and direct an enlightened public opinion to procure the total and immediate suppression of the traffic in all intoxicating liquors as beverages and to unite all temperance and Christian workers in judicious effort for the attainment of this end.

With this object in view the Alliance shall work for the enactment and enforcement of all available prohibitions and limitations of the liquor traffic, and the election to all legislative and executive political positions of representatives who are known, avowed and trustworthy supporters of the principles and methods of the Alliance.

When the Scott Act became law the Ontario Alliance took hold vigorously to secure its adoption and enforcement in this province. The earnest work done, and the good results accomplished in that effort are now matters of history. Since the Scott Act was repealed a vigorous campaign has been kept up

to secure further restrictions on the liquor traffic, the suppression of its most dangerous features and the better carrying out of all laws against it. In this way have been secured a great many of the wise limitations that, backed up by a growing public sentiment, have restrained the liquor traffic within its present limits, and have placed in the hands of the people a large measure of local power to further limit and prohibit the dangerous business. The Alliance has also fought in the Courts for the vindication of these measures, and co-operated in the efforts of local workers to secure their fuller operation. Something of the progress made on this line may be learned from the following table taken from the Report of the Hon. the Provincial Treasurer, setting out the number of licenses of different kinds that have been issued in the province for the last eighteen years. The figures for the years 1885-6-7-8 were affected by the operation of the Scott Act. Outside these years it will be noticed that there has been a steady falling off.*

YEARS.	TAVERN.	SHOP.	WHOLESALE.	VESSEL.	TOTAL.
1874	4793	1307	52	33	6185
1875	4459	1257	78	24	5818
1876	2977	787	147	27	3938
1877	2845	739	65	27	3676
1878	2910	724	52	29	3715
1879	3199	757	42	22	4020
1880	3227	760	40	22	4049
1881	3311	764	34	24	4133
1882	3317	787	35	24	4163
1883	3363	781	36	21	4201
1884	3253	675	28	14	3970
1885	2574	525	24	9	3132
1886	1567	367	28	12	1974
1887	1496	325	28	13	1862
1888	2066	336	26	17	2445
1889	3073	445	27	15	3560
1890	3071	428	24	..	3523
1891	2990	403	21	..	3414

While thus persistently working in the direction of weakening and opposing the liquor traffic, the Alliance has kept steadily in view the great object and end for which it exists, the attainment of total prohibition.

Great quantities of literature relating to the prohibition movement have from time to time been issued, and circulars of instructions and advice relating to every phase of the work are being continually sent out to our friends in every part of the country.

LAST YEAR'S WORK.

At the annual meeting for 1892 the Executive Committee submitted the following recommendations :—

(1) That continued efforts be made to secure the submission of prohibitory by-laws in municipalities where there is a reasonable hope of their being carried.

(2) That the Ontario Legislature be requested to take action to secure a vote of our provincial electorate on the direct issue of prohibition.

(3) That our workers be earnestly urged to press the organization of the prohibition electorate in every municipality on the lines already laid down, in view of the important local option, electoral, and probably plebiscite work ahead of us.

The first of these recommendations was substantially embodied in a report adopted by the Convention, the second was adopted in the form submitted, and the electoral policy to be followed out was embodied in the following resolution :—

“That we are resolved to persistently adhere to the policy of electing to public positions only such pronounced prohibitionists as by voice and vote place prohibition above party.”

After the Convention the Executive Committee met to take steps for the carrying out of the instructions given by the Convention. It was agreed that forms of petitions should be at once sent out to Churches and Temperance Societies to be signed and forwarded to the Legislature, asking for a plebiscite. Before the petitions were sent out some objections were raised to the plebiscite proposal, and another meeting of the Executive Committee decided to delay the sending out of petitions until friends of the prohibition movement could be more generally consulted. Accordingly a circular was prepared, setting out the action already taken, and reasons therefor, and submitting the following questions :—

1. Do you think it would be well to have a vote of the electors taken on the question of the desirability of the enactment of a prohibitory law?

2. Is it your opinion that your Society would work to secure a vote in favor of prohibition if the question were submitted?

3. In your opinion would such a vote in your locality result in a majority for prohibition?

This circular was sent to the pastor of every church, and to the listed representative officer of each branch of a Temperance Order in the Province. When the Executive Committee again met to consider this subject, there had been received 1191 replies to the circular sent out. In these replies the answers to the different questions were as follows:—

	YES.	NO.	INDEFINITE.
Question 1	1042	117	24
Question 2	896	82	78
Question 3	766	143	254

The Executive Committee decided that the approval thus given to the plebiscite proposition was such as to demand their immediately carrying out the instruction of the Convention, and accordingly a form of petition was prepared and sent out, to be signed in behalf of churches and other organizations, and sent to the Legislative Assembly. The petition was in the following form:

To the Legislative Assembly of the Province of Ontario:

Your petitioners respectfully call the attention of your honorable body to the following facts:

1. That notwithstanding the restrictive legislation at present in operation, intemperance with its attendant evils still exists in our province to an alarming extent, is a constant source of misery, pauperism and crime, and a persistent hindrance and menace to the moral and material well-being of our people.

2. That your petitioners believe that the only right and effective legislative method of dealing with this evil, is by the speedy enactment and thorough enforcement of total prohibition.

3. That not only do your petitioners believe that such legislation would be right in principle and very beneficial in operation, but that it is also desired and would be approved by a large majority of the electors of this province.

4. Your petitioners further believe that it is very desirable that there should be an opportunity given for a clear expression of this strong public opinion, uninfluenced by partisan or other considerations, so that the legislative body dealing with the question may be fully aware of the attitude of the electors towards it.

5. Your petitioners therefore pray your honourable body to make provision for the immediate taking of a direct vote of the electors of Ontario, in such form as will show what number of such electors would approve of a law prohibiting the importation, manufacture and sale of intoxicating liquors into and in the said province, and what proportion of the electors would be opposed to such legislation.

And your petitioners will ever pray.

LEGISLATIVE ACTION.

When the Legislature convened, these petitions were presented in large numbers. Some had been sent directly to members of the Legislature from the parties who prepared them. There were sent through the office of the Alliance 236 petitions from churches, 292 from temperance societies, 185 from municipal bodies, and some from other organizations. There were also presented to the Legislature a number of petitions praying for a prohibitory law.

In the Legislature, Mr. G. F. Marter introduced a bill providing for the prohibition in Ontario of the retail sale of liquor. Mr. E. J. Davis gave notice of a motion committing the Legislature to the taking of the plebiscite proposed by the Alliance.

On the motion for the second reading of the bill introduced by Mr. Marter, Hon. G. W. Ross offered an amendment, stating that as the extent of the authority of the Legislature was doubtful, it should be defined before prohibitory legislation was enacted, that the House had confidence that the Government would take the necessary steps to secure a definition of the Legislature's jurisdiction, and that a provincial plebiscite on the question of prohibition should be taken.

The leader of the Government supported the amendment on the ground that the bill introduced by Mr. Marter was prohibition to a greater extent than it was certain the Legislature had power to go. The leader of the Opposition supported the bill on

the ground that it was not in excess of the ascertained authority of the Legislature to regulate the traffic.

The amendment submitted by Mr. Ross was carried on a straight party division. This precluded a direct vote on the second reading of the bill introduced by Mr. Marter.

Later on a bill was introduced by Hon. Mr. Ross providing for the taking, at the next municipal election, of a vote of the electors of the province, and the women who are municipal voters, on the following question :—

Are you in favor of the immediate prohibition by law, of the importation, manufacture and sale of intoxicating liquors as a beverage.

The printed instructions furnished in the bill for the guidance of voters, explain the meaning of this question in the following terms :—

Electors in voting “yes” on this question will be considered as expressing an opinion in favor of prohibition to the extent to which the Legislature of this Province or the Parliament of Canada has jurisdiction, as may be determined by the court of final resort.

This bill passed through the several stages of enactment. It was assented to by the Lieutenant-Governor on May 27th.

PREPARATION FOR THE VOTE.

The Alliance Executive deemed it desirable to place forthwith in the hands of workers in every part of the province, some suggestions to assist them in organizing for the approaching campaign. A special committee was appointed to prepare some circulars for this purpose. Two bulletins have been sent out, the first giving hints and suggestions for methods and work and plans of organization, and also embodying a simple constitution suitable for local clubs and committees, the second giving full information in reference to voters and voters’ lists, so as to enable our friends to see wherever possible that all entitled to the franchise in the plebiscite should be qualified to exercise it. Five thousand of each of these circulars have been issued.

A special edition of five thousand copies of the plebiscite

bill in cheap and convenient form was also prepared. A large number of these have been sent out, and a number of copies are herewith presented for the use of delegates to the present meeting. There are also submitted copies of the minutes of last annual meeting of the Alliance and copies of the minutes of the preceding year's meeting, containing the present Alliance Constitution, which this meeting is asked to approve, or modify.

THE JURISDICTION QUESTION.

During the debate on the amendment offered by the Hon. Mr. Ross, the Attorney-General declared the intention of the Government to submit to the Courts the question of jurisdiction. He said :—

“The speediest way of getting a decision is by a direct reference under the powers that the Dominion Government has to refer to the Supreme Court, or the power the Provincial Government has to refer to the Court of Appeal. I want to take the shortest and speediest course of ascertaining the jurisdiction of this House.”

He went on to say that he had entered into correspondence with the Dominion Government with a view to obtain the consent of the latter to have the question of jurisdiction submitted at once to the Supreme Court, obviating the delay that would arise if the question were submitted by the Provincial Government alone, which would necessitate its being first submitted to one of the Courts of this Province, from which would arise an appeal to the Supreme Court or the Privy Council.

No announcement has yet been made of the Government at Ottawa having given its consent to the adoption of this course. The Provincial Government, however, in the meantime placed the question on the list for the present term of the Court of Appeal of Ontario, which is the first sitting of the Court since the session of the Legislature, but the case has not yet been reached. The questions submitted are the following :—

1. Has a Provincial Legislature jurisdiction to prohibit the sale, within the Province, of spirituous, fermented, or other intoxicating liquors?

2. Or has the Legislature such jurisdiction regarding such portions of the Province as to which the Canada Temperance Act is not in operation?

3. Has a Provincial Legislature jurisdiction to prohibit the manufacture of such liquors within the Province?

4. Has a Provincial Legislature jurisdiction to prohibit the importation of such liquors into the Province?

5. If a Provincial Legislature has not jurisdiction to prohibit sales of such liquors, irrespective of quantity, has such Legislature jurisdiction to prohibit the sale, by retail, according to the definition of a sale by retail, either in statutes in force in the Province at the time of Confederation, or any other definition thereof?

6. If a Provincial Legislature has a limited jurisdiction only, as regards the prohibition of sales, has the Legislature jurisdiction to prohibit sales subject to the limits provided by the several subsections of the 99th Section of "The Canada Temperance Act," or any of them? (R.S.C., c. 106; s. 99.)

7. Had the Ontario Legislature jurisdiction to enact the 18th Section of the Act passed by the Legislature of Ontario in the 53rd year of Her Majesty's reign, and entitled, "An Act to improve the Liquor License Acts," as the said section is explained by the Act passed by the said Legislature in the 54th year of Her Majesty's reign, and entitled, "An Act Respecting Local Option in the matter of Liquor Selling?"

LOCAL OPTION LITIGATION.

After last year's convention had adjourned, the Ontario Court of Appeal rendered judgment on the case submitted by the Ontario Government, affirming the constitutionality of the Local Option Act. No appeal was taken from this decision.

The Local Option by-law for the township of South Norwich came before the Court of Appeal, which upheld the by-law in accordance with its previous decision. The case was taken by the opponents of the by-law to the Supreme Court, where they raised the question of the constitutionality of the Act, thus in effect making it an appeal from the decision of the Court of Appeal on that point. Dr. J. J. Maclaren defended the Act on behalf of the Alliance. The case was argued first with reference to the question of the validity of the by-law, on which point the finding of the Court of Appeal was sustained. At a subsequent session the question of the constitutionality of the Local Option Act was argued. Judgment on this point has

not yet been given, but is expected when the Court re-assembles on the 3rd of October.

LOCAL OPTION WORK.

A number of local option by-laws went into operation on the first day of May last. Since last meeting of the Alliance several victories have been won, notably large majorities being recorded in favor of prohibitory by-laws in the townships of East Luther and West Garafraxa. The Alliance Secretary assisted in these campaigns, addressing meetings at different points in the different municipalities. He has also attended a number of prohibition conventions and meetings during the year, giving information in reference to local option work, as well as explaining the plebiscite movement and suggesting plans for making it effective.

OFFICE WORK AND FINANCES.

Some idea of the amount of work performed may be gathered from the statements made. During the year there have been sent out from our office more than 20,000 documents of various kinds, and a heavy correspondence has been carried on with workers in nearly every part of the Province who have been writing for information and advice. Our postage account alone has been nearly two hundred dollars. The expense of the year's work has been kept within the closest possible limits. Our Treasurer's report will show the exact condition of our finances. No effort has been made to raise money outside of the City of Toronto, all our subscriptions having been collected in this city. We were materially aided in this work by a legacy of two thousand dollars (\$2,000), received from the estate of the late Abraham Farewell, to be appropriated for the work which the Alliance is organized to promote. By arrangement with the executors, ratified by the Court, one thousand dollars (\$1,000) of this money was distributed among the different provincial temperance organizations, to be expended by them for the promotion of prohibition, and the other moiety was retained to be expended for the same purpose by ourselves.

ANNUAL MEETING.

The Executive Committee having joined in the "Call" for the present general prohibition convention, it was considered that this meeting might well take the place of our regular annual convention, which has for some years been held in the month of September. The Union Committee agreed to announce in the "Call" for this gathering the fact that the Alliance would request the Convention to resolve itself into such annual meeting. The object of the organization of the Alliance was to secure the co-operation for legislative and electoral work of all sections of the community favorable to the suppression of the liquor traffic. The Executive Committee, therefore, with pleasure agreed to commit to this convention its Constitution and management with a request that the convention should make any alterations in the same that might be deemed desirable, with the view of making the organization more thoroughly representative of all interests named, or in any way better adapted for the unifying and utilizing of the advanced sentiment of those in favor of this great reform.

The Executive Committee now lays before you, the esteemed representative prohibitionists of Ontario, the report of the work they have endeavored to perform, thankful for the success that has attended that work, and earnestly praying that the results of your deliberations may be the adoption of plans and methods that will be still more effective in hastening the advent of the total deliverance of our land from the curse of a legalized liquor traffic.

On behalf of the Executive Committee.

F. S. SPENCE,
Secretary.

J. J. MACLAREN,
Chairman.